



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICANT : JACKOWSKI et al.

INVENTION: : BIOPOLYMER MARKER INDICATIVE OF
DISEASE STATE HAVING A MOLECULAR
WEIGHT OF 1211 DALTONS

SERIAL NUMBER : 09/845,731

FILING DATE : April 30, 2001

EXAMINER: : Smith, Carolyn

GROUP ART UNIT : 1631

ATTORNEY DOCKET NO. : 2132.029

CERTIFICATE UNDER 37 CFR 1.8(a)

I hereby certify that this correspondence is being
deposited with the U.S. Postal Service as First Class mail
in an envelope addressed to Commissioner for Patents
P.O. Box 1450, Alexandria, VA 22313-1450 on 5/27/03

Susan Hess

To: Mail Stop: Fee Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

DECLARATION UNDER 37 CFR § 1.132

I, Ferris H. Lander, do hereby declare as follows:

1. I am a registered Patent Agent and am authorized to represent the inventor's and assignee in the application entitled "**Biopolymer Marker Indicative of Disease State Having A Molecular Weight of 1211 Daltons**", having U.S. Application Serial No. 09/845,731 filed April 30, 2001.

2. In order to provide data which would obviate any rejection/objection regarding enablement or completeness of the disclosure, I contacted Dr. George Jackowski, Chairman and Chief

Science Officer of Syn-x Pharma Inc., and asked to be provided with evidence of the absence of the 1211 dalton marker in normal human sera.

3. This declaration (including the attached figure) is provided in order to show a comparison of the indicated disease marker (the 1211 dalton marker) to a normal/control group, so as to evidence that the marker was not present in normal human sera.

The attached figure, obtained from Dr. Jackowski, provides side-by-side profiles (obtained using techniques of mass spectrometry) of normal human sera versus sera from myocardial infarction patients. This profile comparison clearly evidences the absence of the 1211 dalton marker in normal human sera.

The undersigned declares that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the Application or any patent issuing thereon.

5/27/2003
Date

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